

REMARKS

The Office Action of December 23, 2004, has been reviewed, and in view of the following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested. Applicants believe that the combination of claim limitations as recited are not disclosed or taught by any of the cited references, alone or in combination. Reconsideration is therefore earnestly requested.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-3, 5-7, 17, 19, 23-25, 27, 32, 33, 36-38, 48, 50, 54-56 and 58 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,654,745 to Feldman ("Feldman") in view of U.S. Patent No. 4,791,554 to Hirota *et al* ("Hirota"). The Office Action alleges that Feldman discloses "identifying a resource for deployment to a network wherein a unique specifier is assigned to the resource;" "storing resource identification information in a centralized repository, wherein resource identification information is associated with the unique specifier;" and "enabling resource data retrieval based on the unique specifier." The Office Action admits that Feldman fails to disclose dependency data and verifying the dependency data at a deployed resource repository. For these major deficiencies, the Office Action relies upon Hirota for allegedly teaching dependency data and verifying the dependency data. Based on Hirota's alleged teaching, the Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system and method of Feldman with the above teachings of Hirota "in order to prevent deadlock from occurring by allocating locked resources as suggested by Hirota." (see

page 3, Office Action mailed December 23, 2004). Applicants respectfully disagree.

Feldman appears to be directed to managing access to resources over a computer network where entitlement expressions that refer to membership maps to determine a user's entitlement to a resource are utilized (column 1, lines 21-26). The method of Feldman determines accessor entitlement to a resource in response to an accessor request for access to that resource (column 2, lines 51-55). The method includes associating an entitlement expression with the resource and associating a unique identifier with the accessor (column 2, lines 55-57). The entitlement expression includes a reference to at least one membership map having membership information for the accessor and the accessor's unique identifier acts as an index into the membership maps (column 2, lines 57-61). The method includes evaluating the entitlement expression for the resource to determine the entitlement of the requesting accessor to the resource where the evaluation includes looking up the accessor's membership information in the at least one membership map referred to in the entitlement expression using the accessor's unique identifier (column 2, lines 61-67).

Hirota appears to be directed to preventing deadlock in a data base management system. More specifically, in a computer system for parallelly executing a plurality of tasks by sharing a plurality of resources in a database of a computer, the system and method of Hirota implements a use sequence of the resources to be used by each task. In Hirota, a possibility of deadlock due to sharing of common resources among the tasks is checked based on the information on the use sequence, and a deadlock avoidance information table is prepared. (Abstract).

The Office Action alleges that the teaching directed to preventing deadlocks from occurring is applicable to Feldman. However, by the Office Action's own analysis,

dependencies are not discussed in Feldman and are thus not a concern in the system and method of Feldman where access to resources is managed by using entitlement expressions that refer to membership maps to determine a user's entitlement to a resource. Feldman evaluates the entitlement expression for the resource to determine the entitlement of the requesting accessor to the resource where the evaluation includes looking up the accessor's membership information in the at least one membership map referred to in the entitlement expression using the accessor's unique identifier. Therefore, it would not have been obvious to one of ordinary skill in the art to destroy the system of Feldman to include use sequence and deadlock avoidance information table implemented in Hirota to purportedly solve a problem that is not a concern in Feldman. There is no teaching that would lead one of ordinary skill in the art to replace the entitlement expression and membership maps of Feldman with the use sequence and deadlock avoidance information table of Hirota, absent improper hindsight. Further, the Office Action is silent as to how such a combination would be operable or even feasible. Thus, the Office Action fails to show a reasonable expectation of success.

The Office Action admits that "Feldman fails to teach the new limitations of the resource data comprising dependency data and verifying the dependency data at a deployed resource repository" (page 3, Office Action mailed December 23, 2004). For this deficiency, the Office Action relies upon Hirota. The Office Action alleges that Hirota teaches that it is desirable to prevent deadlock from occurring based on Hirota's discussion of dependency data. However, Hirota's disclosure fails to make up the major deficiencies in Feldman. Further, there is nothing in Feldman that would suggest replacing Feldman's entitlement expression and membership maps with a completely different system of implementing the use sequence of Hirota to address a

problem that is nonexistent in Feldman. Further, Feldman has no discussion of dependency data where deadlocks would potentially be a problem.

Even if the combination of reference are combined as suggested by the Office Action, the combination would nevertheless fail to disclose the combination of claim limitations. More specifically, the proposed combination of references fails to disclose, teach or suggest “*storing resource identification information in a centralized repository, wherein resource identification information is associated with the unique specifier;*” “*enabling resource data retrieval based on the unique specifier wherein the resource data comprises dependency data;*” and “*verifying the dependency data at a deployed resource repository.*” as recited in independent claim 1. Similar limitations are recited in independent claim 32.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* §2143, p. 2100-124 (8th Ed., rev. 1, Feb. 2003). As discussed above, the Office Action has failed to meet all three criteria for a *prima facie* case of obviousness.

Controlling Federal Circuit and Board precedent require that the Office Action set forth specific and particularized motivation for one of ordinary skill in the art to modify a primary reference to achieve a claimed invention. *Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 664 (Fed. Cir. 2000) (“[t]o prevent a hindsight-based obviousness analysis, [the Federal Circuit has] clearly established that the relevant inquiry for determining the scope and content of the prior art is

whether there is a reason, suggestion, or motivation in the prior art or elsewhere that would have led one of ordinary skill in the art to combine the references.”).

Here, there has been no citation of any teaching anywhere in the art of any need for “*storing resource identification information in a centralized repository, wherein resource identification information is associated with the unique specifier;*” “*enabling resource data retrieval based on the unique specifier wherein the resource data comprises dependency data;*” and “*verifying the dependency data at a deployed resource repository.*” The Office Action has failed to identify any teaching of that problem specifically. When a primary reference is missing elements, the law of obviousness requires that the Office Action set forth some motivation why one of ordinary skill in the art would have been motivated to modify the primary reference in the exact manner proposed. *Ruiz*, 234 F.3d at 664. In other words, there must be some recognition that the primary reference has a problem and that the proposed modification will solve that exact problem. All of this motivation must come from the teachings of the prior art to avoid impermissible hindsight looking back at the time of the invention. Because such a proper motivation to combine is missing, the combinations are improper and the rejections should be overturned.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-62 be withdrawn. As dependent claims 2-31 and 33-62 encompass the limitations of independent claims 1 and 32, the dependent claims should be allowed for at least the reasons stated above. The cited references fail to show, teach or make obvious the invention as claimed by Applicants. For at least the reasons presented above, the rejections should be withdrawn.

With respect to claims 11-16 and 42-47, the Office Action applies Kumar *et al.* On pages 17-18, the Office Action alleges that Kumar “teaches a method that detects cycles of dependencies to ensure dependencies are satisfied.” The Office Action goes on to assert that this is desirable “because it prevents deadlock from occurring.” Again, the Office Action assumes that Feldman has cycles of dependencies and has a problem with deadlock. There is no such disclosure and any such inference is based on improper hindsight. Therefore, the alleged basis for motivation fails.

In addition, the combinations of Feldman, Hirota and Parad as applied to claims 4 and 35; Feldman, Hirota and Porter *et al* as applied to claims 8-10 and 39-41; Feldman, Hirota and Freeman *et al* as applied to claims 18 and 49; Feldman, Hirota and Skog *et al* as applied to claims 20-22, 26, 51-53 and 57; Feldman, Hirota and Nishina *et al* as applied to claims 28 and 59; and Feldman, Hirota and Whalen *et al* as applied to claims 29-31 and 60-62 all fail to disclose the claimed combination of limitations. In addition, there is no proper motivation for modifying the references as suggested by the Office Action to include the missing limitations. The applied references fail to show, teach or make obvious the invention as claimed by Applicants. For at least the reasons presented above, the rejections should be withdrawn.

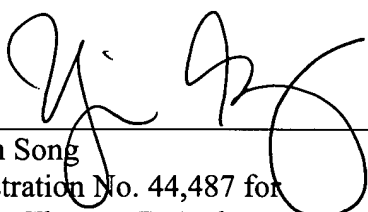
CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no fees are due for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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